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Docket: 6348

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TECHNOLOGY CENTER 3700

Inventors: Kindler et al.

Serial No.: 09/092,546

Filing Date: June 5, 1998

Examiner: M. Thompson

Title: Device for the Metered Administration of a Fluid Drug Group Art Unit: 3763

Response to Election Requirement

Assistant Commissioner for Patents
Washington D.C. 20231

Dear Sir:

In response to the Office Action mailed September 26, 2000, Applicant hereby elects, with traverse, Figures 1-2. At least independent claims 1 and 17 are directed thereto.

I hereby certify that the document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

November 28, 2000

(Date of Deposit)

Jeannie Rapstad

(Name)

Signature

The Examiner's requirement for election is strongly traversed in view of independent claims 1 and 17. Applicant respectfully submits that claims 1 and 17 are generic claims that cover all the species asserted by the Examiner. Independent claim 1 is directed to a device for the metered administration of a fluid drug, comprising a container, a catheter connected to the container and to an

injection needle, and a valve positioned between the container and the needle in a flow cross section of the fluid drug, wherein the valve permits flow of the fluid from the container to the injection needle when a fluid pressure exerted on the valve exceeds a pressure caused by the dead weight of the fluid drug.

Clearly, claim 1 is generic with respect to the species asserted by the Examiner.

Applicant further observes that independent claim 17 is directed to a device for the metered administration of a fluid drug, comprising a housing, and a valve positioned in the housing in a flow cross section of the fluid drug,, wherein the housing pretensions the valve against an aperture of a feed line, sealingly closing the aperture at one pressure. Thus, claim 17 is generic to all the species asserted by the Examiner.

Further, the Examiner is respectfully referred to the specification which makes it clear that Figures 3-21 show modified embodiments of the valves and housing described in Figures 1-2. For example, on page 11, lines 21-22, the specification states, "Figure 3 shows an embodiment derived from the valve of Figure 2." Similarly, with respect to the other species asserted by the Examiner, each is described as a variation or modified embodiment of the generic elements shown in Figure 1, i.e., each Figure shows a variation of either the housing or the valve structures.

The last sentence of the specification at page 20, lines 10-11 states, "The described combinations of valve bodies and housings can also be used with other combinations of the described housings and valve bodies."

It is believed that the species asserted by the Examiner can, in fact, be covered conveniently by a single reasonable search field. For this reason, and the preceeding reasons, Applicant traverses the election requirement imposed by the Examiner.

It is believed that no additional fees are due in connection with this communication. However, a petition to extend the time to respond by two months (from October 26, 2000 until December 26, 2000) is being submitted herewith, along with a check in the amount of \$390.00. The Office is hereby authorized to charge any deficiency, or credit any overpayment associated with this communication or the petition to Deposit Account 04-1420.

Respectfully submitted,

Date: November 28, 2000

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